

ASSEMBLY BILL

No. 1148

Introduced by Assembly Member Nakanishi

February 22, 2005

An act to amend Section 22456 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1148, as introduced, Nakanishi. Vehicles: ice cream trucks: parking.

(1) Existing law prohibits the driver of a commercial vehicle engaged in vending upon a street from vending his or her products in a residence district only after bringing the vehicle to a complete stop and lawfully parked adjacent to the curb, as specified.

Existing law prohibits a person from vending from an ice cream truck, as defined, that is stopped, parked, or standing on a public street, alley, or highway if, among other things, the vendor does not have an unobstructed view for 200 feet in both directions along the highway and of any traffic on the highway.

This bill would prohibit a person from vending from an ice cream truck on a public street, alley, or highway unless the truck is lawfully parked adjacent to the curb, as required under existing law for other vendor's vehicles. Because a violation of this prohibition would be an infraction under other provisions of existing law, the bill would establish a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 22456 of the Vehicle Code is amended
2 to read:
3 22456. (a) This section shall be known and may be cited as
4 the Destiny Nicole Stout Memorial Act.
5 (b) The Legislature finds and declares that motor vehicles
6 engaged in vending ice cream and similar food items in
7 residential neighborhoods can increase the danger to children,
8 and it is necessary that these vehicles are clearly seen and noticed
9 by motorists and pedestrians to protect public safety.
10 (c) As used in this section, the term “ice cream truck” means a
11 motor vehicle engaged in the curbside vending or sale of frozen
12 or refrigerated desserts, confections, or novelties commonly
13 known as ice cream, or prepackaged candies, prepackaged snack
14 foods, or soft drinks, primarily intended for the sale to children
15 under 12 years of age.
16 (d) ~~Any~~ An ice cream truck shall be equipped at all times,
17 while engaged in vending in a residential area, with signs
18 mounted on both the front and the rear and clearly legible from a
19 distance of 100 feet under daylight conditions, incorporating the
20 words “WARNING” and “CHILDREN CROSSING.” Each sign
21 shall be at least 12 inches high by 48 inches wide, with letters of
22 a dark color and at least four inches in height, a one-inch wide
23 solid border, and a sharply contrasting background.
24 (e) A person may not vend from an ice cream truck ~~that is~~
25 ~~stopped, parked, or standing on any~~ a public street, alley, or
26 highway under any of the following conditions:
27 (1) On a street, alley, or highway with a posted speed limit
28 greater than 25 miles per hour.
29 (2) If the street, alley, or highway is within 100 feet of an
30 intersection with an opposing highway that has a posted speed
31 limit greater than 25 miles per hour.

1 (3) If the vendor does not have an unobstructed view for 200
2 feet in both directions along the highway and of any traffic on the
3 highway.

4 (4) *If the truck is not lawfully parked adjacent to the curb, as*
5 *required under subdivision (a) of Section 22455.*

6 SEC. 2. The California Constitution requires the state to
7 reimburse local agencies and school districts for certain costs
8 mandated by the state. Statutory provisions establish procedures
9 for making that reimbursement.

10 This bill would provide that no reimbursement is required by
11 this act for a specified reason.